

# **KINGWOOD TOWNSHIP COMMITTEE**

**AUGUST 2, 2012**

**Regular Meeting Agenda 7:00PM**

## **Call to Order**

## **Roll Call**

## **Pledge of Allegiance**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.**

**In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.**

## **Correspondence**

E-mail Request from M. Bellin of Effisolar Energy Corp  
Copy of Letter from Delaware Twp to NJDEP re: Bull's Island State Park  
Letter from MS NJ Metro Chapter re: Bike MS Ride  
Letter from DRJTBC re: Scudder Falls Bridge Improvement Project

## **Bills and Claims**

## **Public Comment – Privilege of the Floor**

## **Reports**

Tax Collector's Report of June 2012  
Municipal Court Report of June 2012  
Construction Report of July 2012  
Township Engineer's Monthly Report  
Dog License Report  
Dog Canvass Report  
Animal Control Report  
USEPA – Five Year Review Report for DeRewal  
Emergency Management Coordinator Report

## August 2, 2012 Township Committee Agenda Continued

### Future Meetings & Activities

- August 11** - Recycling at Township Garage from 9:00am-12:00noon
- August 11** - Clean Up Program at Township Garage from 9:00am-12:00noon, permit required
- Sept 6** - Regular Monthly Meeting of Township Committee at Municipal Building beginning at 7:00pm
- Sept 15** - Annual Community Day at Kingwood Park, located at 200 Union Rd., beginning at 12:00pm, rain date Sept 16
- Oct 6&7** - Annual Township Wide Yard Sale, 8:30am-4:00pm

### Ordinances

**Ordinance No. 17-13-2012 Hunting, Application & License/Permit Fees** – Introduction and Adoption on First Reading

### Resolutions

- Resolution No. 2012-69** - Extending Grace Period Of 3<sup>rd</sup> Quarter Taxes
- Resolution No. 2012-70** - Memorandum of Agreement w St of NJDEP
- Resolution No. 2012-72** - Developers Agreement Bl 22 L 16 and 15.01
- Resolution No. 2012-73** - Professional Services Agreements
- Resolution No. 2012-74** - Professional Services Agreement Alternate Eng for Zoning Bd. of Adjustment
- Resolution No. 2012-77**- Eagle Scout Kory B. Trimmer

### New Business

- 2012 Certified Tax Rate
- GovTeller Proposal
- Municipal Alliance Renewal Application 2013
- Horseshoe Bend Park Hunting – Recommendation from Parks & Rec Committee
  - Resolution No. 2012-71** - A Resolution Authorizing the Township of Kingwood, To Conduct A Hunting Lottery for Hunting at Horseshoe Bend LLC – Block 14, L28.02 (Consisting of a Total of 137 Acres); Flag – Block 14, Lot 35.01 (Consisting of approximately 110 Acres); Kirkland – Block 28, Lot 2.01 ( Consisting of Approximately 99 Acres) and Horseshoe Bend Park – Block 14, Lot 31.01 (Consisting of Approximately 106 Acres)
- Raritan Valley Habitat for Humanity

### Old Business

- Amendment to Noise Ordinance
- Installation of Generator at DPW
- Horseshoe Bend Road Signs
- Discuss Location for Emergency Management Center
- Maplewood Farm

## **August 2, 2012 Township Committee Agenda Continued**

### **Appointments**

Tax Assessor – 4 Years

Parks & Recreation Committee – Accept Letter of Resignation

Parks & Recreation Committee & Citizen Advisory Panel – Appointments

### **Executive Session – Resolution No. 2012-75**

Acquisition of Property – One Lowell Realty Associates, Inc.

Contract Negotiations – Habitat for Humanity Bl 19 L 5

Litigation – Tax Appeal Bl 12 L 31 Bl 28 L 30

Executive Session Minutes – June 7, 2012

Personnel – Recycling Coordinator

Litigation – Abel

### **Return to Regular Session**

Maplewood Farm – Resolution No. 2012-76

### **Ordinance**

**Ordinance No. 17-14-2012 - An Ordinance Providing for the Appropriation for the Cost of the Acquisition of the Township's Share of the Development Easement for Farmland Preservation for Block 7, Lot 6, Appropriating \$120,000.00 Therefor From the Open Space Trust Fund –**

Introduction and Adoption on First Reading

Insurance Bill

### **Minutes**

June 7, 2012 Executive Session

July 5, 2012 Regular Meeting

### **Return to Executive Session – Resolution No. 2012-75**

July 5, 2012 Executive Session

### **Return to Regular Session**

### **Minutes**

July 5, 2012 Executive Session

### **Adjournment**

**PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES**

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August 2, 2012

A Regular Meeting of the Kingwood Township Committee was called to order at 7:00P.M.with Mayor Niemann presiding.

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Diana Haywood, Attorney Judith Kopen, C.F.O./Tax Collector Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Niemann called the meeting to order and following the salute to the flag read aloud the following:

### **NOTICE REQUIREMENTS**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.**

**In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.**

### **CORRESPONDENCE**

#### **E-mail Request from M. Bellin of Effisolar Energy Corp**

Clerk MacConnell noted that Mr. Bellin will not be attending the meeting this evening. She explained that his e-mail stated that he did not receive the information for Kingwood Township, but will be at next month's meeting in September. Deputy Mayor Lubitz asked if they were in touch with the Kingwood School regarding selling the electricity to the school. Clerk MacConnell replied and stated that she will mention the Kingwood School to Mr. Bellin the next time she talks to him. C.F.O. Diane Laudenbach stated that she has contacted Jersey Central Power and Light, and now just waiting for a report from them.

#### **Copy of Letter from Delaware Twp to NJDEP re: Bull's Island State Park**

The Committee Members reviewed an additional letter that the Clerk's office received from the New Jersey Conservation Foundation regarding Bull's Island State Park. The letter stated that they are in favor of just closing down the entire area. There were a few brief comments from the Township Committee and Planning Board Chairman, Richard Dodds, who was present. He explained that the State recommended that the area either be fenced off or just cut down what is needed. Mayor Niemann noted that the letter states that 56 trees are planned to be cut down out of 180. Richard Dodds noted that Delaware Township is trying to get them to reconsider. He noted that there will be an open public meeting on August 15<sup>th</sup>, 2012 at 10:00a.m., regarding the Island. The Committee Members noted that they oppose to clear cutting the area and would like to have continued public access to the northern end of the park.

Mayor Niemann noted that a letter will be written and sent to the New Jersey Department of Environmental Protection with a recommendation considering minimizing the number of trees that are recommended for culling, and to also keep the paths going through this area of the park open to pedestrian and biking traffic. She noted that a copy of this letter will also be sent to Delaware Township and the New Jersey Conservation Foundation.

Letter from MS NJ Metro Chapter re: Bike MS Ride

The Committee Members reviewed the letter from the MS NJ Metro Chapter and stated that they have no objections to the bike ride through Kingwood Township. Clerk MacConnell will write a letter in response stating that the Township Committee has no objections to their route through the township.

Letter from DRJTBC re: Scudder Falls Bridge Improvement Project

The Township Committee reviewed the letter received from the Delaware River Joint Toll Bridge Commission. Mayor Niemann stated that she will call Chairman David R. DeGerolamo, and thank him for his letter.

**BILLS AND CLAIMS**

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$1,051,409.90** that are in order and attached as Bill List for August 2012.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Haywood, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**PUBLIC COMMENT PRIVILEGE OF THE FLOOR**

No Comments.

**REPORTS**

Mayor Niemann noted that the following have been received and are available for review:

Tax Collector's Report of June 2012

Municipal Court Report of June 2012

Construction Report of July 2012

Township Engineer's Monthly Report

Attorney Kopen reported that she will be in contact with the township's engineer for an update on a response from the Delaware-Raritan Canal Commission regarding the staff report for the Ukarish property.

Dog License Report

Dog Canvass Report

There was a brief review of the canvass report.

Animal Control Report

USEPA – Five Year Review Report for DeRewal

Diana Haywood noted that she read through the report, and feels that the history of this property is interesting.

Emergency Management Coordinator Report – Jack MacConnell

Emergency Management Coordinator, Jack MacConnell reported on an update of Spring Hill Road and the telephone poles. He noted that they have finally been moved within the time they have been expected to be moved. He stated that he received a quote regarding having all emergency persons on the same frequency for \$17,000. He stated that the price for the siren for Byram is approximately \$10,000 to \$11,000. Deputy Mayor Lubitz asked Mr. MacConnell, if there are grant funds for these items. Jack MacConnell confirmed that there could be a possible grant for the siren and radios. He explained that he will start taking pictures of the wires still down on Federal Twist Road, e-mail them to the utility companies and newspapers and hopefully get something accomplished. Mr. MacConnell noted that, as far as, the emergency management center being located at the DPW, he thinks it is an excellent idea. He reminded the Committee Members of the problems they had at the firehouse during last year's storms. He explained that the fire trucks would be coming in and out at the same time the residents were entering the parking lot. Richard Dodds gave an update of the generator and noted that it will be looked at soon. Deputy Mayor Lubitz asked about an emergency management council meeting and when the last one was scheduled. He feels that a meeting should be arranged for the entire committee. There was a discussion on what is available at the Township's DPW building for an Emergency Center. He stated that they do not have the capability to put a lot of people up for days. He noted that there will be a central center at a County building. The Committee Members thanked Jack MacConnell for his volunteer service as Emergency Management Coordinator, and all that he has done by obtaining grants for the Township, so that they can be reimbursed for all the losses that have occurred.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Niemann reviewed as per the Agenda.

**ORDINANCES**

**ORDINANCE NO. 17-13-2012 AN ORDINANCE AMENDING CHAPTER 75A, "FEES" OF THE CODE OF THE TOWNSHIP OF KINGWOOD – Introduction and Adoption on First Reading**

Mayor Niemann read aloud the ordinance by title, which was then introduced:

There was a brief discussion of the ordinance and the fees. Richard Dodds was present and explained that the fees are for deer hunting at Horseshoe Bend Park. The fees will be \$5.00 per application for the lottery and \$25.00 for each permit per season for those that are chosen from the lottery. He explained that there will be approximately six seasons, and any person interested must apply for the lottery to hunt for each individual season.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17-13-2012 AN ORDINANCE AMENDING CHAPTER 75A, "FEES" OF THE CODE OF THE TOWNSHIP OF KINGWOOD.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**Consideration of final adoption at a public hearing is scheduled for Thursday, September 6, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.**

**RESOLUTIONS**

**Resolution No. 2012 – 69** Extending Grace Period of 3<sup>rd</sup> Quarter Taxes  
The following Resolution was introduced:

**RESOLUTION NO. 2012 - 69**

**EXTENDING THE GRACE PERIOD OF THE PAYMENT OF THE THIRD QUARTER 2012 REAL ESTATE TAXES**

**WHEREAS**, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due; and

**WHEREAS**, it is the desire of the Mayor and Township Committee of the Township of Kingwood to allow sufficient time for preparation and mailing of the 2012-2013 tax bills after the rate has been struck and for compliance with the statute first above cited.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3<sup>rd</sup> quarter 2012 property tax installment is extended to August 17, 2012 and any tax payments received after August 31, 2012, interest will be assessed from August 1, 2012.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing resolution.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

**Resolution No. 2012-70 - Memorandum of Agreement w St of NJDEP**

The following Resolution was introduced:

**RESOLUTION NO. 2012 - 70**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO ENTER INTO A  
MEMORANDUM OF AGREEMENT  
WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
DIVISION OF PARKS AND FORESTRY, LLC.**

**WHEREAS**, the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department (hereinafter, "Department") is charged with the responsibility and is empowered to acquire, hold, license, manage, protect, and develop lands of the State of New Jersey for recreation, conservation, cultural, and educational purposes; and

**WHEREAS**, the Department, pursuant to N.J.S.A. 13:8A-1 et seq., "New Jersey Green Acres Land Acquisition Act of 1968," acquired certain land and improvements comprising part of the Delaware and Raritan Canal State Park ("Park") in the Township of Kingwood, County of Hunterdon, State of New Jersey and administered by Department as part of the Park and further described as Horseshoe Bend LLC - Block 14, Lot 28.02 which (consists of a total of 137 acres); Flagg - Block 14, Lot 35.01 (consisting of approximately 110 acres); and Kirkland - Block 28, Lot 2.01 (consisting of approximately 99 acres); and

**WHEREAS**, the Township of Kingwood (hereinafter referred to as "Township") has proposed to the Department that they desire to use the hereinafter described property for the sole purposes of improving public access, removing invasive species, establishing protected under-story planting in specified areas, and promoting public awareness of recreational uses; and

**WHEREAS**, the Department desires that the Township make such use of the previously described property; and

**WHEREAS**, in order to further the best interests of the Department and the Township, the Township Committee desires to authorize the execution of a Memorandum of Agreement (hereinafter, "MOA") with the Department in the form attached hereto, setting forth the purposes of and subject to the terms and conditions set forth in the MOA.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The Township of Kingwood hereby authorizes execution of the Memorandum of Agreement, attached hereto as Exhibit A, with the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Agreement attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Agreement.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing resolution.



Deputy Mayor Lubitz asked the Township Attorney J. Kopen a few questions regarding the agreement on page 7, under E. He stated that this paragraph in some way limits some of the liabilities that are mentioned in all the preceding paragraphs, and to what degree is this limiting the township's liability. Attorney Kopen responded and stated that claims must be made under the Tort Claim Act, and that there are various limitations of our liability under that act. Deputy Mayor Lubitz asked if the township will be picking up extra costs by assuming additional insurance, or will this be covered by the plan the township already has in effect. Mayor Niemann noted that the township will be charged a small additional charge of approximately \$250.00 to meet the request in the contract. She explained that she will be meeting with a representative from the township's insurance company to review the contract and all the details. Deputy Mayor Lubitz asked about the maintenance that the township will be responsible for at the properties. Richard Dodds responded by stating that there is currently no maintenance on Kugler Woods other than the trail activity that they have been working on the past several months, which was funded through a trail grant. He stated that there is no maintenance of the additional 350 acres other than trail maintenance. He explained that more sophisticated trail maintenance like putting in trail bridges will be paid for by applying for grants. He noted that the only maintenance that is required on the trails is to clear the brush off of them, and that all of this so far has been done by volunteers. Deputy Mayor Lubitz asked since this is owned by the State, would this exclude the township from receiving grants from the State. Richard Dodds responded by stating no, the State encourages municipalities to apply for grants even for State owned property. He stated that there are no physical structures on the State properties that would need to be maintained, the structures are only on township property. Attorney Kopen commented on the agreement the township is agreeing to indemnify the State, therefore, if someone was injured probably both the State and township would be involved and there would probably be a fight as to who was responsible. Richard Dodds commented on various properties and acres that are involved in the agreement. There was a discussion on the management plan for the agreement. Attorney Kopen reviewed some of the wording in the agreement regarding the approval of the plan.

**ROLL CALL VOTE:**

<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
<b>Nay</b>	-	<b>None</b>
<b>Abstain</b>	-	<b>None</b>
<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

Mayor Niemann recused herself from the discussion and the Chair at this time.

**Resolution No. 2012-72** - Developers Agreement Bl 22 L 16 and 15.01

The following Resolution was introduced:

**RESOLUTION NO. 2012 - 72**

**A RESOLUTION AUTHORIZING THE TOWNSHIP  
TO ENTER INTO A DEVELOPERS AGREEMENT  
WITH LAURELTON-BELMONT PROPERTIES, LLC.**

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**WHEREAS**, the **Laurelton-Belmont Properties, LLC**, has acquired title to the tract or parcel or land (the "Property") described on the Township Tax Map as follows:

<u>Block</u>	<u>Lot</u>
22	16, 15.01

**WHEREAS**, the Developer received an amendment to a previously approved preliminary and final major subdivision approval for development on the Property from the Township of Kingwood Planning Board by its Resolution No. 2007-28 dated October 9, 2007, for the development from such Board (the "Approving Board"), for the following plats:

Preliminary Major Subdivision approval for a Preliminary Plat prepared by Jess H. Symonds, P.E., and entitled "Amended Preliminary Subdivision for Hidden Orchard Estates, Kingwood Township, Hunterdon County, New Jersey".

Final Major Subdivision plan approval for a Final Plat prepared by George A. Sniffin, P.L.S., and entitled "Final Major Subdivision Plat of Hidden Orchard Estates, Tax Map Sheet 9, Block 22, Lot 16 & 15.01, Township of Kingwood, Hunterdon County, New Jersey".

The foregoing preliminary and final approvals are sometimes referred to below as the "Approvals."

**WHEREAS**, the Developer and Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the Approvals; and

**WHEREAS**, the Developer desires to proceed with the development of the Property and to install the improvements as shown on the Plats for which the Approvals were, or are about to be, received; and

**WHEREAS**, the Developer, prior to having the final plats signed, desires to initially proceed with a portion of the development of the Property and to install the two culverts within the environmentally sensitive areas as permitted by NJDEP as shown on the Plats for which the Approvals were, or are about to be, received; and

**WHEREAS**, the Township Development Regulations Ordinance and the Approvals require a performance guarantee of \$766,188.00 (120% of the cost of installation of the improvements), 10% of which is to be a cash deposit and the balance of which is to be a surety bond or letter of credit, and a deposit toward engineering inspection fees of \$31,924.50 per the letter from Kingwood Township Engineer, Thomas R. Decker, dated December 16, 2010; and further that prior to the installation of the two culverts within the environmentally sensitive areas the Developer shall post a minimum cash deposit in an amount determined by the Township Engineer for engineering inspection fees for the said culverts.

**WHEREAS**, it is in the best interests of the Township of Kingwood to enter into the Developer's Agreement with **Laurelton-Belmont Properties, LLC**;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The Township of Kingwood hereby authorizes entry into the Developer’s Agreement, attached hereto as Exhibit A, with **Laurelton-Belmont Properties, LLC**.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Agreement attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Agreement.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing resolution.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	<b>- Haywood, Lubitz</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- Niemann</b>

Attorney Mr. Dilts was present for questions, but he did not have any. He noted that he will be waiting to hear from the township’s engineer next week.

Mayor Niemann returned to the Chair to continue the meeting.

**RESOLUTION**

**Resolution No. 2012-73 - Professional Services Agreements**

The following Resolution was introduced:

**RESOLUTION NO. 2012 - 73**

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACTS FOR TOWNSHIP PROFESSIONALS**

**WHEREAS**, the Township of Kingwood has a need to acquire professional services of Township Professionals as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Township Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$36,000; and,

**WHEREAS**, the anticipated term of these contracts is one year(s); and

**WHEREAS**, each of the Township professionals set forth below in Paragraph No. 1 has submitted a proposal indicating they will provide the professional services described below in Paragraph No. 1 for the amount set forth in each submitted proposal; and

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**WHEREAS**, each of the Township professionals set forth in Paragraph No. 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that each Township Professional has not made any reportable contributions to a political or candidate committee in the Township of Kingwood in the previous one year, and that the contract will prohibit the Township professionals from making any reportable contributions through the term of the contract; and

**WHEREAS**, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Kingwood.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood authorizes the Mayor and Clerk to enter into contracts with the Township Professionals as described below:

Professional	Position	Term of Contract
Judith A. Kopen, Gebhardt & Kiefer, P.C.	Township Attorney	One year
David R. Pierce	Planning Board Attorney	One year
David R. Pierce	Zoning Board of Adjustment Attorney	One year
Thomas R. Decker, Van Cleef Engineering Associates	Township Engineer	One year
William Colantano	Township Auditor	One year

A copy of this Resolution shall be published in the Hunterdon Democrat as required by law.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing resolution.

**ROLL CALL VOTE:**

<b>Aye</b>	- <b>Haywood, Lubitz, Niemann</b>
<b>Nay</b>	- <b>None</b>
<b>Abstain</b>	- <b>None</b>
<b>Absent</b>	- <b>None</b>

**RESOLUTION**

**Resolution No. 2012-74 - Professional Services Agreement Alternate Engineer for Zoning Board of Adjustment**

The following Resolution was introduced:

**RESOLUTION NO. 2012 – 74**

**RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT FOR ALTERNATE ENGINEER FOR THE BOARD OF ADJUSTMENT**

**WHEREAS**, the Township of Kingwood has a need to acquire the professional services of an alternate Engineer for the Kingwood Township Board of Adjustment; and

**WHEREAS**, Kingwood Township has received a proposal dated February 22, 2012 for such services from Bayer-Risse Engineering, Inc., to perform these services and desires to enter into a Professional Services Agreement, the form of which has been approved by the Township Attorney; and

**WHEREAS**, the services to be provided are or will be made available for this purpose to be certified by the Chief Financial Officer; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the award of contracts without competitive bidding where the contract involves professional services or the amount to be paid for the work is less than the bid threshold set forth in the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Kingwood, Hunterdon County, as follows:

1. Bayer-Risse Engineering, Inc. is hereby engaged to perform Alternate Engineering services for the Kingwood Township Board of Adjustment pursuant to the proposal dated February 22, 2012, together with the Professional Services Agreement which has been approved by the Township Attorney, for the Township of Kingwood which services qualify as Professional Services pursuant to N.J.S.A. 40A:11-1, *et seq.*; and
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-5.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing resolution.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	<b>- Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2012 -77** Eagle Scout Kory B. Trimmer

**RESOLUTION NO. 2012 – 77**

**WHEREAS**, Boy Scout Troup 251 of the Boy Scouts of America is a longstanding asset to our community, with a rich history of supporting the development of boys into productive, moral leaders in our society, and Troop 251 continues to undertake numerous service projects benefiting our residents and our municipality; and

**WHEREAS**, Kory Trimmer has served as a patrol leader, assistant senior patrol leader and then served as a senior patrol leader; and

**WHEREAS**, Kory Trimmer has distinguished himself by serving as a leader on a trip taken by Troop 251 to the Blue Ridge Scout Reservation in Virginia; and

**WHEREAS**, Kory Trimmer has demonstrated in his scouting endeavors loyalty, dedication, patience and character; and

**WHEREAS**, Kory Trimmer completed his Eagle Service Project by constructing an outside deck for American Legion Post 113 in Frenchtown, New Jersey, a project that took 233 hours to complete and required extensive organizational skills and fundraising activities; and

**WHEREAS**, on August 18, 2012, a Court of Honor will be convened for the purpose of bestowing upon Kory Trimmer the highest honor of Scouting, after which, and for the rest of his life, Kory will carry the title of EAGLE SCOUT; and

**WHEREAS**, EAGLE SCOUT KORY TRIMMER has joined the ranks of a select fraternity of Eagle Scouts in our Nation, including Presidents, Elected Representatives, Clergymen, Doctors, Lawyers, Business and World Leaders.

**NOW, THEREFORE, BE IT RESOLVED** on this the 2nd day of August, 2012 by the Mayor and Township Committee of the Township of Kingwood, that on behalf of the Governing Body and the residents of our community, we congratulate and honor with great pride;

**EAGLE SCOUT KORY BRANDEN TRIMMER**

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing resolution.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	<b>- Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

Mayor Niemann noted that there will be a ceremony for Kory Branden Trimmer, which will be a Court of Honor to be held on August 18<sup>th</sup>, at 1:00pm at the American Legion in Frenchtown. She noted that she will not be able to attend, but if the other committee members could attend that would be appreciated. The Resolution will be presented to Kory Branden Trimmer on August 18<sup>th</sup>.

**NEW BUSINESS**

2012 Certified Tax Rate

Mayor Niemann reviewed the information from Tax Collector Diane Laudenbach.

GovTeller Proposal

CFO/Tax Collector Diane Laudenbach asked the Committee Members if they would be interested in putting a link on the township website, which would be no cost to the township. She explained that the user would be paying all the fees and it would allow residents to make a credit card payment to pay their taxes. She noted that the residents will be able to use an e-check, which costs \$2.00 each time they make a payment, which she explained is very reasonable for convenience. Deputy Mayor Lubitz, feels that 3.5 percent it is too expensive for the residents to pay on property taxes for the convenience. The Committee Members asked how often residents request to pay their taxes by credit card. The Committee Members discussed whether or not to offer the option of credit card payment, and they decided to hold off for now and to wait and see if there are more requests in the future.

Municipal Alliance Renewal Application 2013

The Committee Members reviewed the renewal Municipal Alliance Application for 2013. Deputy Mayor Lubitz asked who will be matching the funds. C.F.O. Diane Laudenbach noted that the County will be matching the funds. There was a brief discussion.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve to participate as a co-applicant in the Municipal Alliance Renewal Application 2013.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	<b>- Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

Horseshoe Bend Park Hunting – Recommendation from Parks & Rec Committee

Mayor Niemann reviewed the recommendation from the Parks and Recreation Committee regarding allowing hunting on Horseshoe Bend Park. The Committee Members also reviewed the Guidelines draft for hunting. Mayor Niemann noted some of the information has changed since this memo was written. She explained that last night at the Parks and Recreation Committee meeting there were additional hunting options approved by the Parks and Recreation Committee along with changes in the Guidelines. She explained that the township never thought that the Memorandum of Agreement would be approved this soon by the state. She explained that this is an agreement the township entered with the DEP to allow us to manage their portion of Horseshoe Bend Park, as well as the nearby DEP-preserved Flagg and Kirkland properties. This new agreement will allow the township to establish a trail that will run from Route 29 near where Fairview intersects it and go up the hill to cross Fairview Rd, and through the preserved Flagg property and into Horseshoe Bend Park! She explained that this is almost 450 acres. She noted that following the execution of the agreement with the DEP, the township has established a plan for deer hunting on the properties. All of the DEP preserved properties have been accessible to any licensed hunter over the years.

Mayor Niemann explained that the township will now be holding a lottery for each of the seasons and hunting will only be available to the selected hunters. We will require that the lottery winners attend at least one group meeting so that the hunters can be acquainted with each other and readily know who should be hunting the properties. The township will issue permits to these hunters, that way we will know who is hunting on the properties. She explained that the Guidelines have been carefully drafted and we are very fortunate to have a DEP Fish & Wildlife employee in the township to assist us with this process. She stated that as a result of all of this, the Parks and Recreation Committee reviewed the options and decided to add a few other seasons to the hunting other than bow. She explained that this allows the township to have a more cohesive hunting program on the entire parcel. She explained that last evening at the Parks and Recreation meeting Larry Herrighty from the New Jersey Fish and Wildlife, attended along with Richard Dodds. There they explained the significance to have the ability to manage this parcel with both bow and firearms. The Parks and Recreation at that time approved the additional seasons. Deputy Mayor Lubitz asked when the seasons would be held. Richard Dodds responded by stating there is approximately six seasons. He noted that the first season will be in September through November for bow hunting and that each season for shotgun has a week here and a week there. He explained that there will be a chart on the township website of all the seasons and dates. He noted that all the information will be posted on the website by next week. Richard Dodds explained how the hunting season will be conducted. He noted that part of this process is that the interested hunter would need to fill out application for permits for each season for a cost of \$5.00 each. He explained that that application will then go into a lottery and only a certain amount of individuals will be chosen each season each year to hunt on the park properties. The individuals that are chosen to hunt will fill out an application for a hunting permit to hunt on the park properties. He explained that this fee will be \$25.00 for the permit, and that each person that has been chosen is required to attend a meeting to be educated of the rules and regulations of hunting. Richard Dodds noted that this is where they will meet one in other, along with being instructed where hunting will be allowed, and informed about the adjacent properties. Mayor Niemann noted that Larry Herrighty offered to check each applicant that is chosen by the lottery to verify that their license it is in good standing. Richard Dodds noted that all fees are non-refundable for the applications. Deputy Mayor Lubitz asked if fees would be waived for disabled veterans. There was a discussion on as to how many veterans are taxed exempt in the township. Diane Laudenbach, the township's Tax Collector suggested looking into what the state regulations for fees are for hunting for disabled veterans. Attorney Kopen reviewed with the Committee Members, and Richard Dodds amendments that needed to be made to the resolution for hunting at Horseshoe Bend Park. The Committee Members thanked Richard Dodds for all of his efforts he has put into Horseshoe Bend Park.

## **RESOLUTION**

The following Resolution was introduced:

### **RESOLUTION No. 2012 - 71**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD, TO CONDUCT A HUNTING LOTTERY FOR HUNTING AT HORSESHOE BEND LLC - BLOCK 14, L28.02 (CONSISTING OF A TOTAL OF 137 ACRES); FLAGG - BLOCK 14, LOT 35.01 (CONSISTING OF APPROXIMATELY 110 ACRES); KIRKLAND - BLOCK 28, LOT 2.01 (CONSISTING OF APPROXIMATELY 99 ACRES) AND HORSESHOE BEND PARK- BLOCK 14, LOT 31.01 (CONSISTING OF APPROXIMATELY 106 ACRES)**



**WHEREAS**, the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department (hereinafter, “Department”) is the owner of certain properties known as Horseshoe Bend LLC - Block 14, Lot 28.02 (consisting of a total of 137 acres); Flagg - Block 14, Lot 35.01 (consisting of approximately 110 acres); and Kirkland - Block 28, Lot 2.01 (consisting of approximately 99 acres) which the State acquired pursuant to N.J.S.A. 13:8A-1 et seq., “New Jersey Green Acres Land Acquisition Act of 1968 ; and

**WHEREAS**, the Township also owns a parcel known as Block 14, Lot 31.01, also known as “Horseshoe Bend Park” and consisting of approximately 106 acres; and

**WHEREAS**, all of the Parcels designated in paragraphs 1 and 2 above shall, hereinafter be known as the “Properties”; and

**WHEREAS**, historically, hunting for properly licensed hunters under the rules and regulations of the NJ Department of Environmental Protection, Division of Fish and Wildlife, has been permitted on portions of the Properties; and;

**WHEREAS**, the Township of Kingwood has entered into a Memorandum of Agreement with the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department, to manage the Properties and to use the Properties for the sole purposes of improving public access, removing invasive species, establishing protected under-story planting in specified areas, and promoting public awareness of recreational uses, including hunting; and

**WHEREAS**, the Township has determined that the best interest of the Township of Kingwood would be served by controlling hunting on the Properties by way of permitting hunting on the Properties solely through the means of a lottery that will award permits for deer hunting which will be open to all properly NJ licensed hunters; and

**WHEREAS**, in order to be eligible for the lottery, prospective hunters must complete a Kingwood Township application form, which is available from the Township Clerk, pay a five (5) dollar application fee per lottery per season, and, if awarded a deer hunting permit by way of lottery, pay a twenty-five (25) dollar permit fee and certify that they will comply with Kingwood Township Wildlife Management Guidelines, which are available from the Township Clerk, as well as all applicable State of New Jersey statutes, rules and regulations for deer hunting;

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The Township of Kingwood authorizes the conduct of deer hunting lotteries for the years 2012-2013, on and in Horseshoe Bend LLC - Block 14, Lot 28.02 (consisting of a total of 137 acres); Flagg - Block 14, Lot 35.01 (consisting of approximately 110 acres); Kirkland - Block 28, Lot 2.01 (consisting of approximately 99 acres); and Horseshoe Bend Park, Block 14, Lot 31.01 (consisting of approximately 106 acres), said lottery to occur on date/s during 2012-2013 as published on the official Kingwood Township website and posted at the Kingwood Township Municipal Building, whereby successful applicants will be selected randomly from all fully compliant lottery applications.

2. Kingwood Township deer hunting lottery application forms are available from the Kingwood Township Clerk’s office during normal business hours for a fee of five (5) dollars per lottery per season.

3. In order for the individual who has completed a fully compliant application to be eligible for the lottery, such application must be provided to the Kingwood Township Clerk 5 days prior to any lottery drawing date/s.

4. All successful lottery winners, in order to be permitted to engage in deer hunting on the Properties, must, prior to hunting, pay a twenty-five (25) dollar permit fee to Kingwood Township and certify on a form available from the Township Clerk that they will comply with all Kingwood Township Wildlife Management Guidelines, which are available from the Township Clerk, as well as all applicable State of New Jersey statutes, rules and regulations for deer hunting.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing resolution.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	- <b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	- <b>None</b>
	<b>Abstain</b>	- <b>None</b>
	<b>Absent</b>	- <b>None</b>

Raritan Valley Habitat for Humanity

Mayor Niemann noted that there will be another round of information sessions that Raritan Valley Habitat for Humanity would like to conduct. She explained that it will be taking place at the Kingwood School, but that there will be a charge for the custodian for the use of the building on Sunday since there is no other business going on that day. Mayor Niemann explained that the township agreed to pay for the fee for the custodian in the amount of \$200 for the first round of information sessions. She stated that this came out of the affordable housing trust. She asked the Committee Members if they would be willing to pay for this expense for the second round of information sessions.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to support Raritan Valley Habitat for Humanity for the expense of \$200 for a custodian at the Kingwood Township School for the session they will be conducting on a Sunday.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	- <b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	- <b>None</b>
	<b>Abstain</b>	- <b>None</b>
	<b>Absent</b>	- <b>None</b>

OLD BUSINESS

Amendment to Noise Ordinance

Mayor Niemann explained that the township was informed by the township attorney that the ordinance which was introduced last month in July to amend the noise ordinance was not necessary to be amended.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to approve to withdraw the amended noise ordinance introduced at the July 5, 2012 Township Committee meeting.

**ROLL CALL VOTE:**

<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
<b>Nay</b>	-	<b>None</b>
<b>Abstain</b>	-	<b>None</b>
<b>Absent</b>	-	<b>None</b>

Installation of Generator at DPW

Mayor Niemann stated that this was discussed early in the meeting under Reports for Emergency Management.

Horseshoe Bend Road Signs

Deputy Mayor Lubitz noted that this is still in progress. He stated that he will be meeting with Public Works Supervisor, Mark Petro to discuss details of the work to be done on Horseshoe Bend Road.

Discuss Location for Emergency Management

Mayor Niemann noted that this was discussed earlier in the meeting under Emergency Management Report.

Maplewood Farm – Resolution No. 2012-76

Attorney Kopen noted that this will be discussed in closed session.

**APPOINTMENTS**

Tax Assessor – 4 Years

Clerk MacConnell explained that David Gill the Tax Assessor’s term is up for renewal and that the township needs to renew his appointment if they choose. Attorney Kopen explained that since it is a renewal of a second four year term for a New Jersey Tax Assessor, by law he is to be granted tenure. There was a lengthy discussion on tenure and also questions regarding the vote. Attorney Kopen noted that if there is an abstention of a vote not due to a conflict, then the abstention vote goes to the majority of the vote.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to appoint David Gill as the Township’s Tax Assessor for a new four year term, to expire 06/30/2016.

**ROLL CALL VOTE:**

<b>Aye</b>	-	<b>Niemann</b>
<b>Nay</b>	-	<b>None</b>
<b>Abstain</b>	-	<b>Haywood, Lubitz</b>
<b>Absent</b>	-	<b>None</b>

Parks & Recreation Committee – Accept Letter of Resignation

Mayor Niemann read aloud a letter of resignation from Diane Hanley. The Township Committee stated that she will be greatly missed, as she has been on the Parks and Recreation Committee for almost 20 years. A letter to Diane Hanley will be sent from the Committee Members.

Parks & Recreation Committee & Citizen Advisory Panel – Appointments

Mayor Niemann read aloud the letter of recommendation from the Parks and Recreation Committee regarding a suggestion they gave the township to appoint a members to the Parks and Recreation Committee, which is a current member of the Citizen Advisory Panel of the Parks and Recreation. She noted that the Parks and Recreation Committee has recommended Michael DeSapio. She explained with Diane Hanley’s resignation there is now an additional position open on the Recreation Commission, besides the Parks and Recreation Committee.

Mayor Niemann stated that one of the other thoughts that the township has had, is that a longtime resident who is employed at the New Jersey Department of Environmental Protection, and has worked as a park ranger for many years is David Posey. She noted that he is currently on the Environmental Commission and has expressed an interest in joining the Parks and Recreation Committee for the past year. Mayor Niemann and Deputy Mayor Lubitz explained that David Posey’s experience is well suited for both positions. Deputy Mayor Lubitz noted that he would like to have Michael DeSapio on the Parks and Recreation Committee when there is another opening, but at this time he will remain on the Advisory Panel to Parks and Recreation.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to appoint David Posey as a member of the Recreation Commission, and a Member of the Parks and Recreation Committee.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	<b>- Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

Deputy Clerk Keller left the meeting at this time.

**EXECUTIVE SESSION – RESOLUTION NO. 2012 - 75**

The following Resolution was introduced to enter into closed session at approximately 9:07P.M.:

**RESOLUTION NO. 2012 – 75**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

- 1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
- 2. The general nature of the subject matter to be discussed is as follows:

**Acquisition of Property – One Lowell Realty Associates, Inc.**  
**Contract Negotiations – Habitat for Humanity Bl 19 L 5**  
**Litigation – Tax Appeal Bl 12 L 31 Bl 28 L 30**  
**Executive Session Minutes – June 7, 2012**  
**Personnel – Recycling Coordinator**  
**Litigation - Abel**

- 3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

- 4. This resolution shall take effect immediately.
- 5. The Township Committee may take additional action upon returning to regular session.

It was moved by Mr. Phil Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RETURN TO REGULAR SESSION**

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to return to regular session at 10:06P.M.  
**All voted Aye on Roll Call Vote.**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2012 – 76**

**WHEREAS**, the State Agriculture Development Committee [SADC] certified a market value [CMV] of \$9,500 per acre for the farmland preservation development easement on the farm known as Maplewood Farm in this Township [Block 7, Lot 6 – approximately 109 acres with a 4 acre non-severable exception], which farm is contained in Kingwood Township’s Planning Incentive Grant Program; and

**WHEREAS**, based on this Township’s application, the County of Hunterdon will provide a cost share for the acquisition of said development easement, holding title to such development easement; and

**WHEREAS**, by Ordinance No. 17-14-2012, which shall be considered for final adoption on September 6, 2012, will appropriate the necessary funds for the Township’s cost share of the acquisition of said development easement in an amount not to exceed \$120,000; and

**WHEREAS**, the Owners of Block 7, Lot 6 have executed an Option Agreement whereby the Township has the option to purchase a Development Easement on the Property for \$10,000/acre; and

**WHEREAS**, the Kingwood Township Committee has previously adopted resolutions agreeing to cost share on applications of the Township selected for farmland preservation; and

**WHEREAS**, the Kingwood Township Committee has supported the preservation of the farm at Block 7, Lot 6 by authorizing two appraisals on the property; and

**WHEREAS**, the higher of the two appraisals obtained for the Property established a value on the property of \$10,000/acre; and

**WHEREAS**, the State certified easement value (CMV) was \$9,500/acre, a value \$500 below the highest appraised value of \$10,000/acre; and

**WHEREAS**, the Owners of Block 7, Lot 6 would not execute an Option Agreement to sell the Development Easement on the Property for the \$9,500/acre value, but agreed to execute and did execute an Option Agreement for the \$10,000/acre value; and

**WHEREAS**, the Hunterdon Land Trust has received funding assurance from the Federal Farm and Ranchland program for Block 7, Lot 6, which funds will be equally divided between the funding obligations of the County and the Township and will cover a significant portion of the Township obligation; and

**WHEREAS**, applicable statutes and regulations of the State of New Jersey and Hunterdon County allow the Township to fund a project up to the highest appraisal received and remain entitled to receive the State and County cost shares;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, that it approves a cost share for acquisition of a development easement for Block 7 Lot 6 in the Township of Kingwood, also known as Maplewood Farm, pursuant to the Option Agreement executed by the Owners of the Property, for funding as follows:

1. Pending receipt of Federal Farm and Ranchland funding, the Township agrees to augment the Federal Farm and Ranchland funds to equal the 20% Township cost share obligation of the State certified value of \$9,500/ acre, the total amount expended by the Township not to exceed \$120,000.
2. Pending receipt of Federal Farm and Ranchland funding, the Township agrees to augment the Federal Farm and Ranchland funds with additional Township funds in the amount of \$500/acre to bring the total easement purchase price to \$10,000/acre, the total amount expended by the Township not to exceed \$120,000.
3. The Mayor, Clerk, Chief Financial Officer and any other authorized officer of the Township are authorized to sign any and all other documents necessary for the transactions contemplated by this Resolution and the Option Agreement.

**BE IT FURTHER RESOLVED** by said Township Committee that the Municipal Clerk of this Township is directed to forward to the Hunterdon County Agriculture Development Board and the State Agriculture Development Committee certified copies of this Resolution as requested and required.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**ORDINANCE**

**ORDINANCE NO. 17-14-2012 AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE ACQUISITION OF THE TOWNSHIP’S SHARE OF THE DEVELOPMENT EASEMENT FOR FARMLAND PRESERVATION FOR BLOCK 7, LOT 6, APPROPRIATING \$120,000.00 THEREFOR FROM THE OPEN SPACE TRUST FUND** – Introduction and Adoption on First Reading

Mayor Niemann read aloud the ordinance by title, which was then introduced:

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt on first reading **ORDINANCE NO. 17-14-2012 AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE ACQUISITION OF THE TOWNSHIP’S SHARE OF THE DEVELOPMENT EASEMENT FOR FARMLAND PRESERVATION FOR BLOCK 7, LOT 6, APPROPRIATING \$120,000.00 THEREFOR FROM THE OPEN SPACE TRUST FUND.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**Consideration of final adoption at a public hearing is scheduled for Thursday, September 6, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.**

Insurance Bill

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to pay the approved payment of an additional \$90.00 to Statewide Insurance Fund for workman’s compensation as per the July 30, 2012 e-mail from Statewide Insurance Fund.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

MINUTES

June 7, 2012 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the June 7, 2012 Executive Session Meeting Minutes with the corrections discussed in executive session.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

July 5, 2012 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the July 5, 2012 Regular Meeting Minutes of the Township Committee.

<b>ROLL CALL VOTE:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 75

The Committee Members returned to enter into closed session at approximately 10:13P.M.:

RESOLUTION NO. 2012 – 75

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and



**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

- 1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
- 2. The general nature of the subject matter to be discussed is as follows:

**July 5, 2012 Executive Session Minutes**

- 3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

- 4. This resolution shall take effect immediately.
- 5. The Township Committee may take additional action upon returning to regular session.

It was moved by Mr. Phil Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Haywood, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RETURN TO REGULAR SESSION**

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to return to regular session at 10:14P.M. **All** voted **Aye** on **Roll Call Vote**.

July 5, 2012 Executive Session

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the July 5, 2012 Executive Session Meeting Minutes with the corrections discussed in executive session.

**ROLL CALL VOTE:**

<b>Aye</b>	- <b>Haywood, Lubitz, Niemann</b>
<b>Nay</b>	- <b>None</b>
<b>Abstain</b>	- <b>None</b>
<b>Absent</b>	- <b>None</b>

**ADJOURNMENT**

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adjourn the meeting at 10:15P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully submitted,**

**Cynthia L. Keller, RMC  
Deputy Clerk**



